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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,240	09/17/2003	John W. Northcutt	U02-0110.37	3293
54494 7590 11/01/2007 MOORE AND VAN ALLEN PLLC FOR SEMC P.O. BOX 13706 430 DAVIS DRIVE, SUITE 500 RESEARCH TRIANGLE PARK, NC 27709			EXAMINER TRINH, TAN H	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/605,240	<b>Applicant(s)</b> NORTHCUTT, JOHN W.	
	<b>Examiner</b> TAN TRINH	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (U.S. pub. No. 2004/0266397).

Regarding claims 11 and 14, Smith teaches a method of receiving mobile phone contact list data in a first mobile phone (100) sent from a second mobile phone using a mobile phone messaging service (see figs. 1-6, page 1, sections [0004-0006]) comprising: receiving a message in the first mobile phone from the second mobile phone (see page 2, section [0019]), determining whether the received message contains contact list data (see fig. 5, compare contact 520, page 4, sections [0029]), and, if so launching a application specific software program to manage the received contact list data (see fig. 6, page 4, section [0030]), otherwise handling the received message normally (see page 2, section [0019-0021]), displaying (30) the received mobile phone contact list (see fig. 3-4, page 2, section [0022]), resolving contact list data conflicts between the received contact list data and contact data already stored on the first mobile phone (pages 2-3, sections [0023-0026]).

Art Unit: 2618

Regarding claims 12 and 15, Smith teaches the mobile phone messaging service uses a short messaging service (SMS) format (see SMS on page 4, section [0029], and page 1, section [0004]).

Regarding claims 13 and 16, Smith teaches the mobile phone messaging service uses a multi-media messaging service (MMS) format (see page 1, section [0004]). In this case, the broadcast information in the current context involves sending e-mail; instant message and short message service (SMS) are service by the multi-media messaging service (MMS) format.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gates (U.S. Patent No. 2002/0128047) in view of Okuyama (U.S. Pub. No. 2001/0005859).

Regarding claims 1 and 6, Gates teaches a method of sending a mobile phone contact list from a first mobile phone (1) using a mobile phone messaging service (MMS or SMS, page 1, section [0003]) to one or more other mobile phones (see fig. 2-4, page 3, section [0054]) comprising: displaying (5) the mobile phone contact list (28) (fig. 3A) of the first mobile phone (1), contact list (see fig. 3A), selecting one or more contacts from the mobile phone contact list (see fig. 3A, page 3, section [0055]), adding the selected contacts (28) from the mobile phone

Art Unit: 2618

contact list to a message (see fig. 4A, page 4, section [0057-0060]), and sending the message containing selected contacts to the one or more other mobile phones (see fig. 4A-B and 5, page 4, section [0063]). In this case, the adding the selected contacts 28 and selected other contacts phone number and e-mail address to the message, that is obvious to adding the selected contacts from the mobile phone contact list to a message.

Moreover, related to reference of Okuyama teaches text message send from mobile terminal 5 to terminal 3, the message is adding the other contact with the phone number to a text message and send it (see fig. 1-2, page 3, sections [0037-0038]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Gates and Okuyama, thereto, in order to provide user with this convenient when a message receiver would like to inquire by phone instead of a character message (see suggested by Okuyama on page 3, section [0038]).

Regarding claims 2, 7, Gates teaches the mobile phone messaging service uses a short messaging service (SMS) format (see SMS, page 1, section [0018]).

Regarding claims 3, 8, Gates teaches the mobile phone messaging service uses a multi-media messaging service (MMS) format (see page 1-2, sections [0018, 0033-0037]). In this case, the broadcast information in the current context involves sending e-mail, instant message and short message service (SMS) are service by the multi-media messaging service (MMS) format.

Art Unit: 2618

Regarding claims 4 and 9, Gates teaches previewing the message prior to sending the message so that additional contacts can be added to the message and selected contacts can be deleted (see fig. 4A-B, page 4, sections [0058-0059]). In this case the viewing contact information is on create e-mail message window that is read on the limitation of the claim.

Regarding claims 5 and 10, Gates teaches displaying the contact data for a selected contact prior to adding the contact to the message (see fig. 3A).

### ***Response to Arguments***

5. Applicant's arguments with respect to claim 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments that the selecting contact and adding the contact is perform by user and is not performed on the automatically by the parsed on the software application. However, the examiner does not agree. First of all, the selecting contact and adding the contact is perform automatically by the parsed on the software application in not cited in the claims 1 and 6. And in the new cited reference of Gates teaches is selecting the contact on his phone book and parsing by on the software application to the e-mail heading. Also see the Smith for his automatic of the operation of automatic filing of messages by the message manager application 140.

### ***Conclusion***

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571) 273-8300, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314**).*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh  
Division 2618  
October 26, 2007

**PATENT EXAMINER**  
**TRINH, TAN**

